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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/589,200	06/08/2000	Simon G. Thompson	36-1494	9948

7590 06/15/2004

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EXAMINER

NAHAR, QAMRUN

ART UNIT	PAPER NUMBER
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2124

13

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/589,200

Applicant(s)

THOMPSON ET AL.

Examiner

Qamrun Nahar

Art Unit

2124

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This action is in response to the amendment filed on 4/2/04.
2. Claims 1-22 are pending.
3. Claims 1-22 stand finally rejected under 35 U.S.C. 102(e) as being anticipated by Gryphon (U.S. 6,233,537).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Gryphon (U.S. 6,233,537).

**Per Claim 1:**

The Gryphon patent discloses:

- **a method of generating a process plan** (“A modeling system for the visual presentation of event-driven business processes, composed of multiple plan elements, is provided.” in column 1, lines 50-65)

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- **storing at least one generic process plan, storing at least one non-generic process element containing a predetermined pattern** (“Visual BML is modular. Each Visual BML diagram, referred to as a “plan,” describes the attributes and relationships of a single planned process. Each symbol can be deployed (reused) within the plans for other symbols as appropriate.” in column 2, lines 1-5)

- **searching said at least one generic process plan for the predetermined pattern contained by at least one non-generic process element, on detection of the predetermined pattern, inserting content from said at least one non-generic process element into the generic process plan to newly generate a process plan so that the newly generated process plan contains process instructions that are non-identical than that of the generic process plan, and outputting the newly generated process plan** (column 6, lines 1-20; column 6, lines 47-67 to column 7, lines 1-57; “Action” is interpreted as a non-generic process element, where “Action” is associated with “Step”. A generic process plan is defined as a sequence of Steps, where each step is searched for an action that is associated with the step, and then an action is defined and deployed as part of the step; thereby, generating a new process plan.).

**Per Claim 2:**

The Gryphon patent discloses:

- **the steps of receiving for storage at least one generic process plan and receiving for storage at least one non-generic process element** (column 8, lines 16-25).

**Per Claim 3:**

The Gryphon patent discloses:

- each stored generic process plan is indexed in accordance with a goal to be achieved by the plan, receiving a goal input, and selecting a generic process plan for searching, said selection being in accordance with the received goal input (column 6, lines 1-14).

**Per Claim 4:**

The Gryphon patent discloses:

- at least one non-generic process element comprises resource information, identifying one or more resources to support a process step in a generated process plan (column 6, lines 56-66).

**Per Claim 5:**

The Gryphon patent discloses:

- each stored non-generic process element comprising resource information is indexed in accordance with one or more relevant resources (column 6, lines 56-66).

**Per Claim 6:**

The Gryphon patent discloses:

- **at least one inserted process element comprises data** (column 6, lines 56-66).

**Per Claim 7:**

The Gryphon patent discloses:

- **at least one non-generic process element comprises context specific method steps or data and is indexed for storage according to the relevant context** (column 6, lines 56-66).

**Per Claim 8:**

The Gryphon patent discloses:

- **the context for at least one non-generic process element is service type** (column 6, lines 46-66).

**Per Claim 9:**

The Gryphon patent discloses:

- **the context for at least one non-generic process element is customer type** (column 6, lines 56-66).

**Per Claim 21:**

The Gryphon patent discloses:

- wherein the content introduces new process steps with respect to the generic process plan (column 7, lines 37-40 and lines 52-57).

**Per Claim 22:**

The Gryphon patent discloses:

- wherein the content advises existing process steps of the generic process plan (column 6, lines 10-12).

**Per Claims 10-20:**

These are apparatus versions of the claimed method discussed above (claims 1-9 and 21-22, respectively), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also anticipated by Gryphon.

***Response to Arguments***

6. Applicant's arguments filed on 4/2/04 have been fully considered but they are not persuasive.

*In the remarks, the applicant argues that:*

a) Claims 1-22 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Gryphon et al (U.S. '537, hereinafter "Gryphon"). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under principles of inherency, in the reference. Applicant respectfully submits that Gryphon fails to disclose each element of the claimed invention. For example, Applicant submits that Gryphon fails to disclose searching a generic process plan for a predetermined pattern contained in a non-generic process element and inserting contents from the non-generic process element into the generic process plan on detection of the predetermined pattern so as to newly generate a process plan which contains process instructions that are non-identical than that of the generic process plan, as required by claims 1-22.

Gryphon discloses a graphical modeling language called visual business modeling language (visual BML). ...

Gryphon is not concerned at all with altering a process by the insertion of content therein in order to newly generate a new process plan which contains process instructions which are non-identical than the original process. The present invention relates to storing one generic process plan, as well as at least one non-generic process element which contains a predetermined pattern. The generic process plan is searched for the predetermined pattern such that content from the non-generic process element can be inserted into the generic process plan when the predetermined pattern is detected for newly generating a process plan. The newly generated process plan may be particularly suitable for a given situation on the basis of a generic process plan which has been devised on a more generic level to deal with situations of the same type as the particular situation.



The Office Action apparently alleges that col. 6, lines 1-20 and col. 6, line 47 to col. 7, line 40 of Gryphon discloses the above claimed feature. Applicant respectfully disagrees. Col. 6, lines 1-20 merely discloses assigning various symbols to represent portions of the business process. In particular, col. 6, lines 1-14 discloses assigning a triangle (action) symbol 156 to represent work being performed within a process. Col. 6, lines 14-20 discloses assigning a star (catch event) symbol 152 to represent an external event that initiates a portion of a business process. Col. 6, line 47 to col. 7, line 40 merely discloses an outline of how visual BML symbols may be used during a particular analysis of a business process (in this case, the business process is processing an incoming customer phone call). (See, e.g., col. 6, lines 34-39).

The use of the visual BML during a discussion of such a business model may ensure a rigorous description of that model which facilitates the translation of that discussion into actual business data and processes. The visual BML can thus be used to capture the business model characteristics during discussions as opposed to writing random notes during the discovery of the model and later attempting to transcribe them into BML after the fact. However, the visual BML (which again is a method of graphical notation to represent the business model.) fails to disclose or suggest searching a generic process plan for a predetermined pattern contained in a non-generic process element and inserting contents from the non-generic process element into the generic process plan on detection of the predetermined pattern so as to newly generate a process plan which contains process instructions that are non-identical than that of the generic process plan.

Accordingly, Applicant submits that claims 1-22 are not anticipated by Gryphon and respectfully requests that the rejection of these claims under 35 U.S.C. § 102 be withdrawn.

*Examiner's response:*

a) Examiner strongly disagrees with applicant's assertion that Gryphon fails to disclose the claimed limitations recited in claims 1-22. Gryphon clearly shows each and every limitation in claims 1-22. Gryphon teaches searching said at least one generic process plan for the predetermined pattern contained by at least one non-generic process element, on detection of the predetermined pattern, inserting content from said at least one non-generic process element into the generic process plan to newly generate a process plan so that the newly generated process plan contains process instructions that are non-identical than that of the generic process plan, and outputting the newly generated process plan (column 6, lines 1-20; column 6, lines 47-67 to column 7, lines 1-57; "Action" is interpreted as a non-generic process element, where "Action" is associated with "Step". A generic process plan is defined as a sequence of Steps, where each step is searched for an action that is associated with the step, and then an action is defined and deployed as part of the step; thereby, generating a new process plan.). In addition, see the rejection above in paragraph 5 for rejection to claims 1-22.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (703) 305-7699. The examiner can normally be reached on Mondays through Thursdays from 9:00 AM to 6:30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki, can be reached on (703) 305-9662. The fax phone number for the organization where this application or processing is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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June 2, 2004

*Kakali Chaki*

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